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15 Attorneys for Defendants
UBER TECHNOLOGIES, INC.
16 and OTTOMOTTO LLC

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 WAYMO LLC,
21 Plaintiff,
22 v.
23 UBER TECHNOLOGIES, INC.,
24 OTTOMOTTO LLC; OTTO TRUCKING LLC,
25 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MICHELLE
YANG IN SUPPORT OF OTTO
TRUCKING'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF ITS OPPOSITION TO
WAYMO'S MOTION TO EXCLUDE
OTTO TRUCKING'S DAMAGES
EXPERT JAMES MALACKOWSKI
(DKT. 1770)**

1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
3 declaration based upon matters within my own personal knowledge and if called as a witness, I
4 could and would competently testify to the matters set forth herein. I make this declaration in
5 support of Otto Trucking's Administrative Motion to File Under Seal Portions of its Opposition
6 to Waymo's Motion to Exclude Otto Trucking's Damages Expert James Malackowski (Dkt.
7 1770).

8 2. I have reviewed the following documents and confirmed that only the portions
9 identified below merit sealing:

Document	Portions to Be Filed Under Seal
Otto Trucking's Opposition to Waymo's Motion to Exclude Malackowski ("Opposition")	Red Boxes
Exhibit 1	Red Boxes
Exhibit 2	Red Boxes

16 3. The red boxes of the Opposition, page 43 of Exhibit 1, and page 116 of Exhibit 2
17 contain highly confidential information regarding a business agreement, including terms and
18 conditions such as the specific obligations and responsibilities of each party. This information is
19 not publicly known, and its confidentiality is strictly maintained. I understand that disclosure of
20 this information could allow competitors and counterparties to gain insight into how Uber
21 structures its business agreements, including detailed information about financial terms offered by
22 Uber, allowing them to tailor their own negotiation or business strategy to the detriment of Uber.

23 4. The red boxes in rest of Exhibit 1 and on page 117 of Exhibit 2 contain highly
24 confidential information regarding Uber's financial forecasts based on hypothetical assumptions,
25 as well as development timeline estimates and business operating details. These financial
26 forecasts, development timeline estimates, and business operating details are maintained as
27 confidential, and their disclosure could allow competitors to acquire knowledge into Uber's
28

1 internal assumptions, business strategy, and company operations. Disclosure of this information
2 could significantly harm Uber's competitive standing.

3 5. Defendants' request to seal is narrowly tailored to the portions of Otto Trucking's
4 Opposition and its supporting papers that merit sealing.

5 I declare under penalty of perjury that the foregoing is true and correct. Executed this
6 26th day of September, 2017 in San Francisco, California.

7
8 /s/ Michelle Yang

Michelle Yang

9
10
11 **ATTESTATION OF E-FILED SIGNATURE**

12 I, Arturo J. Gonzalez, am the ECF User whose ID and password are being used to file this
13 Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has
14 concurred in this filing.
15

16
17 Dated: September 26, 2017

/s/ Arturo J. Gonzalez

ARTURO J. GONZALEZ